

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GARY RAY CORSE,

Petitioner,

vs.

No. CIV 25-0106 JB/GBW

E. O'MEARA,

Defendant.

MEMORANDUM OPINION AND ORDER

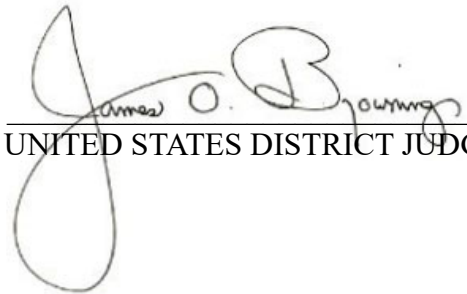
THIS MATTER comes before the Court on: (i) the Plaintiff's Petition to Proceed Pro Se, filed January 21, 2025 (Doc. 1)("Petition"); (ii) the Court's Memorandum Opinion and Order, filed April 1, 2025 (Doc. 4)("Order"); and (iii) the Plaintiff's Prisoner's Motion and Affidavit, filed April 17, 2025 (Doc. 5)("Motion"). Plaintiff Gary Ray Corse appears pro se. For the following reasons, the Court: (i) strikes the Petition; (ii) dismisses this case without prejudice; and (iii) denies Corse's Motion.

In the Order, the Court denies the Petition. See Order at 3. The Order explains that, because the Honorable Gregory B. Wormuth, Chief United States Magistrate Judge for the United States District Court for the District of New Mexico, has not approved the Petition, Corse must, within twenty-one days, have a currently licensed attorney who has been admitted to practice before this Court enter an appearance in this case on Corse's behalf and sign and file the complaint. See Order at 2. Additionally, the Order requires Corse to sign his Petition as rule 11(a) of the Federal Rules of Civil Procedure requires. See Order at 2; Fed. R. Civ. P. 11(a) ("Every pleading, written motion, and other paper must be signed . . . by a party personally if the party is unrepresented"). The Order notifies Corse that the Court will strike the Petition if Corse does not sign the Petition within

twenty-one days. See Order at 2 (quoting Fed. R. Civ. P. 11(a) (“The court must strike an unsigned paper unless the omission is promptly corrected after being call to the . . . party’s attention.”)).

Here, Corse does not have an attorney enter an appearance on his behalf and sign and file the Petition by the April 22, 2025, deadline. Corse also does not sign his Petition, as rule 11(a) requires. The Court therefore strikes the Petition and dismisses this case without prejudice. The Court denies the Motion, which Corse files on April 17, 2025, because the Court dismisses this case. See Motion at 1.

IT IS ORDERED that: (i) this case is dismissed without prejudice; (ii) the Court strikes Corse’s Petition to Proceed Pro Se, filed January 21, 2025 (Doc. 1); (iii) Corse’s Prisoner’s Motion and Affidavit, filed April 17, 2025 (Doc. 5), is denied; and (iv) the Court will enter a separate Final Judgment.



UNITED STATES DISTRICT JUDGE

Parties:

Gary Ray Corse
Albuquerque, New Mexico

Petitioner pro se